



JAMES A. NOYES, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
www.ladpw.org

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

October 23, 2002

IN REPLY PLEASE  
REFER TO FILE: **MP-5**

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

### **RESOLUTION OF SUMMARY VACATION SLOPE EASEMENT - OLD CANYON SUPERVISORIAL DISTRICT 3 3 VOTES**

#### **IT IS RECOMMENDED THAT YOUR BOARD:**

1. Find this action categorically exempt from the provisions of the California Environmental Quality Act (CEQA).
2. Find that:
  - a. Pursuant to Section 8333(a) of the California Streets and Highways Code, the slope easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.
  - b. Pursuant to Section 8333(c) of the California Streets and Highways Code, the slope easement has been superseded by relocation of the slope, and there are no other public facilities located within the easement.
  - c. Pursuant to Section 8334(a) of the California Streets and Highways Code, the slope easement is excess right of way not required for street or highway purposes.

- d. Pursuant to Section 2381 of the California Streets and Highways Code, the slope easement to be vacated is not useful as a nonmotorized transportation facility and is no longer needed for present or prospective public use.
3. Adopt the enclosed Resolution of Summary Vacation to vacate the slope easement north of Old Topanga Canyon Road, described in Exhibit "A" of the Resolution.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

Gary W. Gepner and Associates, Architect, on behalf of the underlying fee owners, Mr. Gregory J. Soukup and Ms. Mary Jo Carr, requested this vacation to eliminate an unnecessary slope easement, increase buildable area, and remove from the record all public easement rights within their property. Vacation of the easement will not have any negative impact on any adjacent properties nor to the roadway. No existing public utility easements will be affected by the proposed vacation.

The slope easement being vacated was dedicated to the County in 1981, as a requirement of filing a subdivision map to protect the road right of way and adjoining properties. A review of existing topography has determined that an excessive slope easement exists on the property. An alternate slope easement was prepared by the petitioners to reduce the easement. We have ascertained that the proposed realignment of the easement conforms with the existing natural topography and will not negatively impact existing condition of road and property. The stability of the slope and the protection of the road will not be compromised by the proposed vacation. This alternate slope easement has been executed by the property owners and will be recorded at the time your Board adopts the Resolution to vacate. It is in the County's interest to vacate the slope easement since it no longer serves the purpose for which it was dedicated nor is it required for general public access, circulation, or for bicycle paths and trails.

### **Implementation of Strategic Plan Goals**

This action is consistent with the County Strategic Plan Goal of Fiscal Responsibility as the vacation of the slope easement will result in added revenue through assessment and taxation, eliminates unnecessary maintenance costs, and removes possible County exposure to liability.

### **FISCAL IMPACT/FINANCING**

Vacation of the slope easement will not have any negative fiscal impact on the County budget. A fee of \$1,500 was paid by the owners to defray the expenses of the investigation. The fee is authorized by your Board in a Resolution adopted May 4, 1982, Synopsis 62 (Fee Schedule), and as prescribed in Section 8321(d) of the California Streets and Highways Code.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The area to be vacated contains approximately 8,240 square feet and is shown on the map attached to the Resolution.

The County's interest was acquired as an easement for slope purposes by dedication on the map filed on May 11, 1981, in Book 140, pages 42 through 47, inclusive, of Parcel Maps, in the office of the Recorder of the County of Los Angeles.

On February 13, 1996, a Resolution to vacate this slope easement was presented to your Board, heard, and was referred back to us due to concerns and opposition from a property owner. Those concerns revolved around the applicant not obtaining the appropriate grading and construction permits for the improvements on the applicant's property. Over the past six years, our Building and Safety District Office has issued grading and building permits for the two-story residential structure constructed on the property. The concerns aired by the opposing property owner have been addressed as the building structure and other improvements are now officially completed with our approval.

The Public Streets, Highways, and Service Easement Vacation Law allows your Board to voluntarily relinquish the County's interest over the slope easement. Adoption of our recommendations by your Board terminates the rights of the public to the vacated area and disposes of an unnecessary County right of way. Your action will also result in the property being unencumbered of the public easement, thereby allowing the underlying fee owners to exercise their reversionary rights over the vacated area.

### **ENVIRONMENTAL DOCUMENTATION**

This proposed vacation is categorically exempt from CEQA requirements as specified in Class 21(a) of the Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987, Synopsis 57, and Section 15321 of State CEQA Statutes and Guidelines.

The Honorable Board of Supervisors  
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**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The County of Los Angeles Fire Department has found that no fire protection facilities will be affected by the proposed vacation. The County of Los Angeles Regional Planning Commission has determined that the proposed vacation does not conflict with the County-adopted General Plan and that the vacation area is not suitable for bicycle paths and trails.

**CONCLUSION**

This action is in the County's best interest. Enclosed is a Resolution of Summary Vacation, approved as to form by County Counsel. Upon adoption of the Resolution, please return the executed original and a copy to us for further processing. In the interim, please retain one executed copy for your files. Public Works will record the Resolution and return the executed original Resolution to you when recorded.

One approved copy of this letter is requested.

Respectfully submitted,

JAMES A. NOYES  
Director of Public Works

CVC:adg  
P5\OLD CANYON SLOPE BRD

Enc.

cc: Chief Administrative Office  
County Counsel

## RESOLUTION OF SUMMARY VACATION

BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles that it is hereby found and determined that, the portion of real property designated as "SLOPE EASEMENT TO THE COUNTY OF LOS ANGELES", north of Old Topanga Canyon Road, legally described in Exhibit "A" and as shown by the map in Exhibit "B" attached hereto and incorporated herein by this reference, which right of way is located in the unincorporated area of Old Canyon, in the County of Los Angeles, State of California, is no longer needed for present or prospective public use based upon the following facts: (1) the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; (2) the easement is excess right of way not required for street or highway purposes; and (3) the easement has been superseded by relocation and there are no other public facilities located within the easement.

BE IT FURTHER RESOLVED that the public easement in, over, and across said property for slope purposes legally described in Exhibit "A" is hereby vacated pursuant to Chapter 4, Part 3, Division 9 of the Streets and Highways Code, State of California, commencing with Section 8330.

BE IT FURTHER RESOLVED that the slope easement to be vacated is not useful as a nonmotorized transportation facility, that the vacation does not terminate any public service easement, and that no in-place public utility facilities that are in use would be affected by the vacation.

BE IT FURTHER RESOLVED that the Department of Public Works be authorized to record the certified original Resolution in the office of the Recorder of the County of Los Angeles, at which time the slope easement vacated will no longer be a public easement.

The foregoing Resolution was on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, adopted by the Board of Supervisors of the County of Los Angeles, and ex-officio, the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.

VIOLET VARONA-LUKENS, Executive Officer  
of the Board of Supervisors  
of the County of Los Angeles

APPROVED AS TO FORM

LLOYD W. PELLMAN  
County Counsel

By \_\_\_\_\_  
Deputy

By \_\_\_\_\_  
Deputy

CVC:adg  
P5\OLD CANYON SLOPE BRD

## EXHIBIT A

### **SLOPE EASEMENT VACATION (M9288112)**

That portion of Parcel 2, designated as "SLOPE EASEMENT TO THE COUNTY OF LOS ANGELES" in the unincorporated territory of the County of Los Angeles, State of California, as shown on and dedicated to said County by map filed in Book 140, pages 42 to 47 inclusive, of Parcel Maps, on file in the office of the Recorder of said County, within the following described boundaries:

Commencing at the intersection of the southwesterly boundary of Parcel 2, as shown on said map, and a line in the northerly boundary of said slope easement having a bearing and distance of North 89°16'59" East 89.93 feet; thence easterly along said northerly line 89.93 feet; thence North 42°11'04" East 35.09 feet to the TRUE POINT OF BEGINNING; thence continuing North 42°11'04" East 161.33 feet to the northeasterly boundary of said Parcel 2; thence South 48°01'38" East along said northeasterly boundary 10.00 feet; thence leaving said northeasterly boundary South 58°37'47" West 14.62 feet; thence South 4°31'19" West 45.71 feet; thence South 22°27'40" East 96.38 feet; thence North 77°50'46" West 139.63 feet to the TRUE POINT OF BEGINNING.

Total Area: 8,240±square feet

Description Approved:

JAMES A. NOYES  
Director of Public Works

By \_\_\_\_\_  
Deputy

RH:fr  
5/SEVacation